

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Public Works		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Dan Manion, Development Services Division (805) 781-5275	
(4) SUBJECT The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its Tentative Map:					
A. CO 00-0328, a proposed subdivision resulting in 2 lots, by San Luis Obispo Golf and Country Club, Country Club Drive, south of San Luis Obispo. Supervisory District: 3 1. Act on the attached resolution to accept an avigation easement.					
(5) SUMMARY OF REQUEST The above-listed Parcel Map has satisfied all the conditions of approval that were established in the public hearing on its Tentative Map. Your Board is requested to approve the Parcel Map and the related listed actions, so that the subdivision may go forward for recordation.					
(6) RECOMMENDED ACTION We recommend that your Board approve the final map and any related actions listed above.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Planning & Building, Clerk-Recorder, Local advisory council - not referred					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 3rd			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

Reference: 06MAR14-C-2

T:\DEVELOP\BOARD\CVR\oneparcelmapappr.cvr.wpd

(19) ADMINISTRATIVE OFFICE REVIEW	<p>OK <i>Leslie Brown</i></p> <p style="font-size: 2em; transform: rotate(-15deg);">B-A (3.14.06)</p>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Dan Manion, Development Services Division

VIA: Glen L. Priddy, County Surveyor

DATE: March 14, 2006

SUBJECT: Map for Board Action

Recommendation

We recommend that your Honorable Board:

- A. Approve CO 00-0328, a proposed subdivision resulting in 2 lots, by San Luis Obispo Golf and Country Club, A California Corporation, Country Club Drive, south of San Luis Obispo.

1. Act on the attached resolution to accept an avigation easement.

Supervisory District: 3

Discussion

The above map was processed by the County Planning Department with input from County Fire, County Public Works, Environmental Health, the Air Pollution Control District, the Sheriff's Department and other affected County Departments as well as California Department of Transportation (Caltrans), and local cities and service districts.

At a public hearing, the Subdivision Review Board granted tentative approval to the proposed lot line adjustment, parcel map, or the Planning Commission granted tentative approval to the proposed tract map. All proposed real property divisions are subject to a number of conditions of approval. The project's owner has satisfied the conditions.

The Real Property Division Ordinance requires that when the conditions of approval have been met, and when an adequate final or parcel map that is substantially in conformance with the design of the tentative map has been submitted to the County Surveyor, the County Surveyor will transmit the map with his approval and certification to the County Clerk awaiting your Board's approval to record the map. Section 21.06.050 of the County

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Code requires your Board to approve the map if it is determined to be in conformity with the Real Property Division Ordinance and the Subdivision Map Act. Your Board must also accept or reject any offers of dedication.

Other Agency Involvement/Impact

The Clerk is to hold the map until your Board approves it. The Clerk also certifies the Board's approval, arranges receipt of the recording fee and after the signatures and seals have been affixed, transmits the map to the County Recorder. The County Recorder certifies and files the map and/or a resolution of acceptance as prescribed by the Subdivision Map Act.

Financial Considerations

As there is no acceptance of a road into the County maintained road system, there will be no ongoing cost to the County associated with this action. All costs related to the processing of this item have been paid by the applicant(s).

Results

Approval of the recommended action will allow the subdivision map to be filed in the office of the County Recorder.

Attachments: Avigation Easement and Resolution
 Vicinity Map

File: CO 00-0328

Reference: 06MAR14-C-2

L:\DEVELOP\MAR06\BOS\MAP 3-14-06-BLT.wpd.CAH.djm

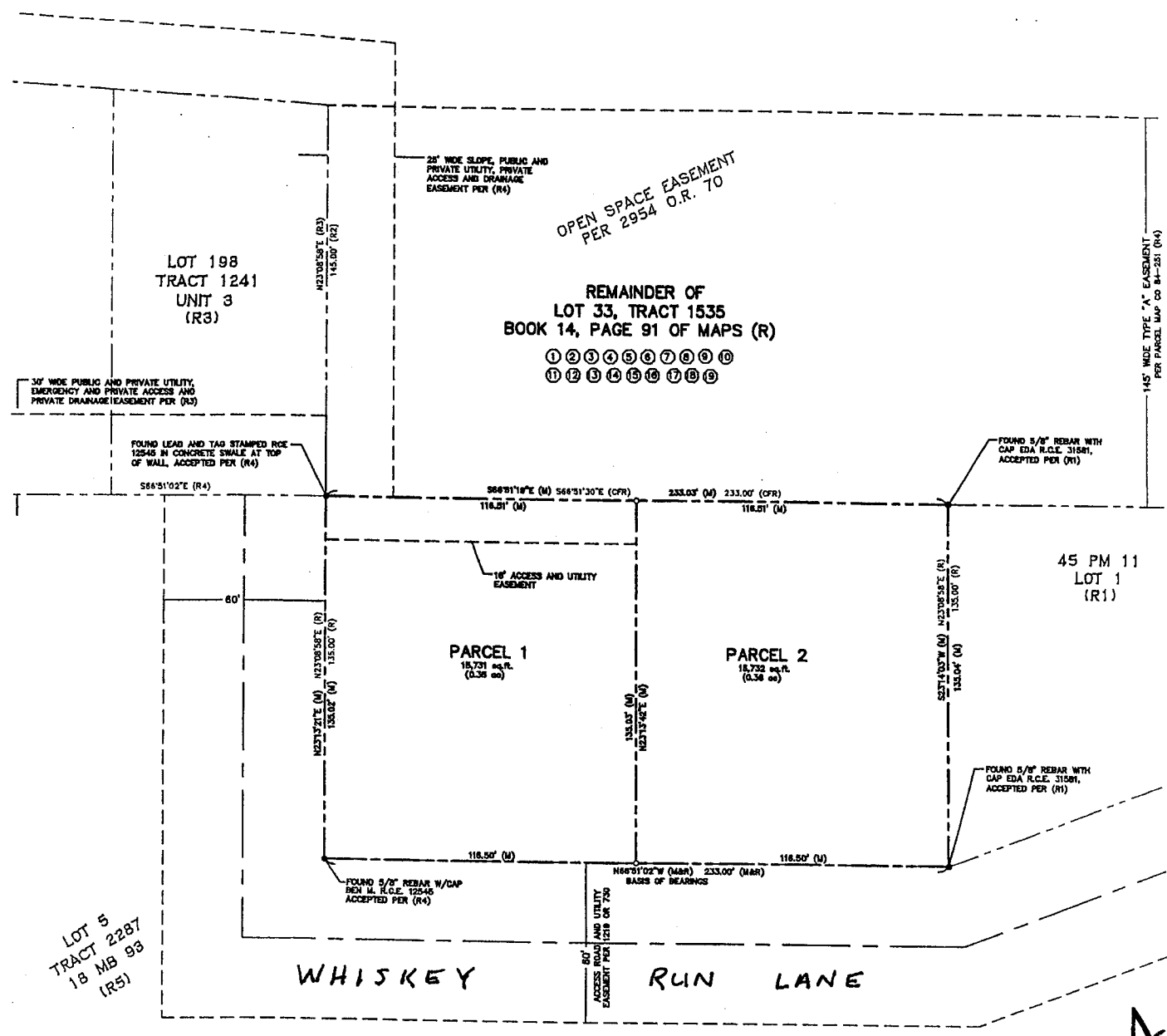
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ITEM A

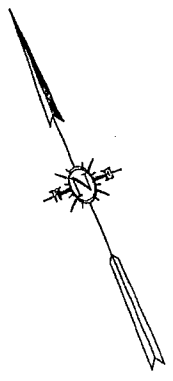
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LOT 5
TRACT 2287
18 MB 93
(R5)



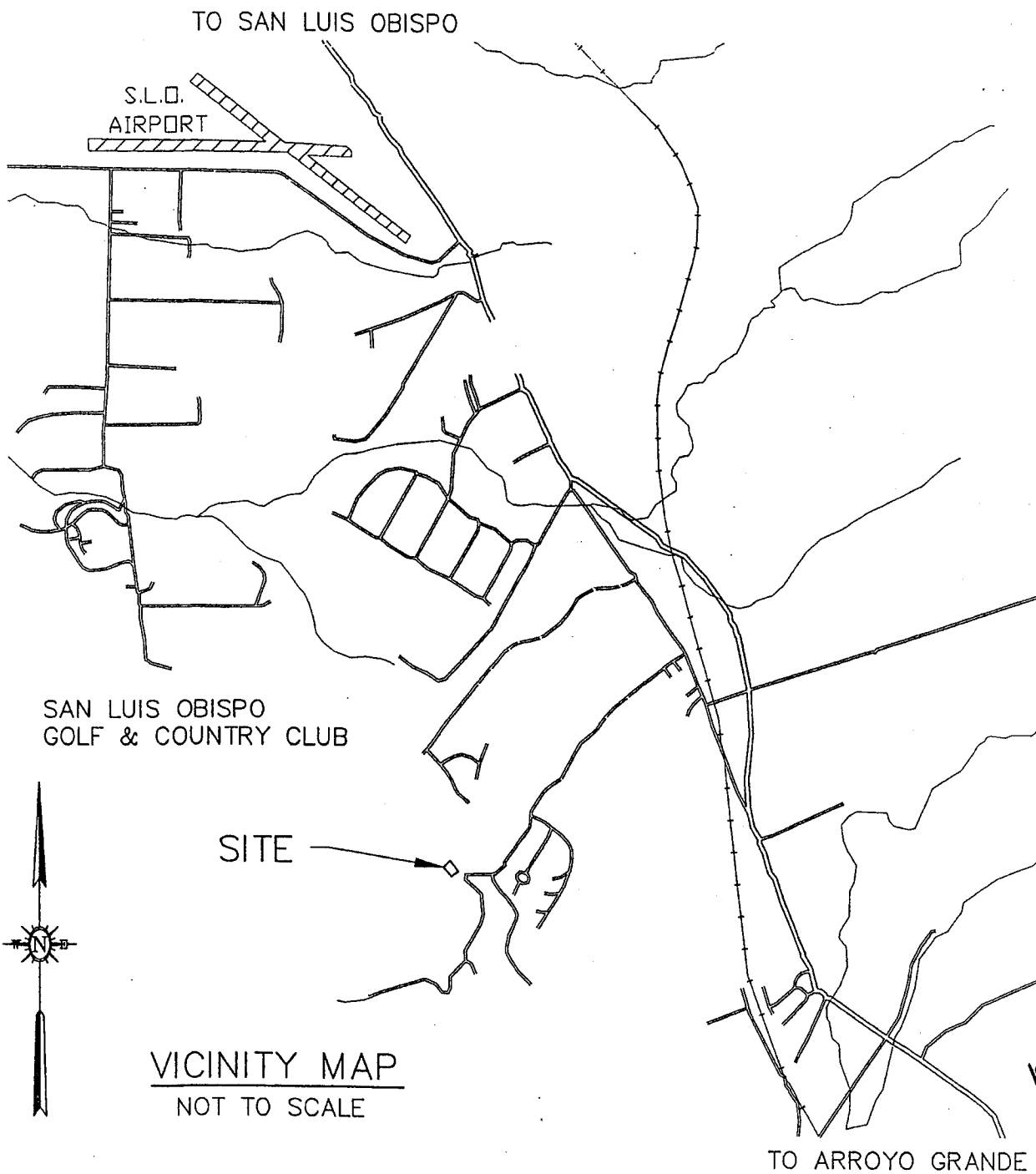
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Cannon ASSOCIATES
ENGINEERS
PLANNERS
SURVEYORS
364 Pacific Street
San Luis Obispo, CA 93401
(805) 765-1467

THIS DOCUMENT WAS PREPARED BY CANNON ASSOCIATES (CA) AS AN INSTRUMENT OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF CA. THE RECIPIENT MAY MAINTAIN COPIES FOR INFORMATION AND REFERENCE IN CONNECTION ONLY WITH THIS SPECIFIC PROJECT. FURTHER, THE RECIPIENT RECOGNIZES THAT CHANGES OR MODIFICATIONS TO CA INSTRUMENTS OF PROFESSIONAL SERVICE INTRODUCED BY ANYONE OTHER THAN CA MAY RESULT IN ADVERSE CONSEQUENCES WHICH CA CAN NEITHER PREDICT NOR CONTROL. ACCEPTANCE OF THE DELIVERY OF THIS DOCUMENT CONSTITUTES AGREEMENT TO THESE TERMS AND CONDITIONS.

SITE PLAN
PARCEL MAP CO 00-0328
A SUBDIVISION OF LOT 33, TRACT 1535
SAN LUIS COUNTRY CLUB
SAN LUIS OBISPO, CALIFORNIA

DRAWN BY	TR	DATE	06/07/05	CA JOB NO.	960806.16
CHECKED BY	DSH	SCALE	1" = 60'	SHEET	1 OF 1



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Cannon
ASSOCIATES
ENGINEERS
PLANNERS
SURVEYORS
264 Pacific Street
San Luis Obispo, CA 93401
(805) 544-7407

THIS DOCUMENT WAS PREPARED BY CANNON ASSOCIATES, (CA) AS AN INSTRUMENT OF PROFESSIONAL SERVICE (I/O) SHALL REMAIN THE PROPERTY OF CA. THE RECIPIENT MAY MAINTAIN COPIES FOR INFORMATION AND REFERENCE IN CONNECTION ONLY WITH THIS SPECIFIC PROJECT. FURTHER THE RECIPIENT RECOGNIZES THAT CHANGES OR MODIFICATIONS TO CA INSTRUMENTS OF PROFESSIONAL SERVICE INTRODUCED BY ANYONE OTHER THAN CA MAY RESULT IN ADVERSE CONSEQUENCES WHICH CA CANNOT NEITHER PREDICT NOR CONTROL. ACCEPTANCE OF THE DELIVERY OF THIS DOCUMENT CONSTITUTES AGREEMENT TO THESE TERMS AND CONDITIONS.

VICINITY MAP PARCEL MAP CO 00-0328 A SUBDIVISION OF LOT 33, TRACT 1535 SAN LUIS COUNTRY CLUB SAN LUIS OBISPO, CALIFORNIA		
DRAWN BY	DATE	CA JOB NO.
TR	06/07/05	960806.16
CHECKED BY	SCALE	SHEET
DSH	N.T.S.	1 OF 1

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. ____

**RESOLUTION ACCEPTING AVIGATION EASEMENT
FROM SAN LUIS OBISPO GOLF AND COUNTRY CLUB, INC., A CALIFORNIA
CORPORATION**

The following Resolution is hereby offered and read:

WHEREAS, the County has need of avigation easements in the vicinity of the San Luis Obispo County Regional Airport (044,571,025); and,

WHEREAS, San Luis Obispo Golf and Country Club, Inc., a California Corporation, has submitted a proposed avigation easement for property in the vicinity of the San Luis Obispo County Regional Airport, to the County of San Luis Obispo, and it is in the public interest that said avigation easement be recorded.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the avigation easement, dated August 4, 2005, from San Luis Obispo Golf and Country Club, Inc., a California Corporation, to the County of San Luis Obispo, concerning land in the area of the San Luis Obispo County Regional Airport, be and hereby is accepted by the County of San Luis Obispo in the form set forth in the document attached hereto, which is incorporated herein by reference as though herein fully set forth.

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3. That the County of San Luis Obispo hereby consents to the recordation of said avigation easement and the County Clerk/Recorder be and hereby is authorized and directed to record said avigation easement in the San Luis Obispo County Recorder's official records.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By:



Deputy County Counsel

Dated:

9.8.05

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Development Review

APN(S): 044,571,017

CO 00-0328



GRANT OF AVIGATION EASEMENT

No fee Document
(Public Entity Grantee, Government Code Section 27383)

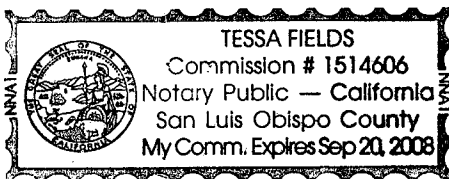
For a valuable consideration, receipt of which is hereby acknowledged, San Luis Obispo Golf and Country Club, Inc., a California Corporation, hereinafter referred to as "Grantor(s)", HEREBY GRANT(S) TO the County of San Luis Obispo, a political subdivision of the State of California, hereinafter referred to as "County", for the use and benefit of the public, a perpetual and assignable easement and right-of-way, and certain rights appurtenant to said easement as hereinafter set forth, in, on and over the following described real property situated in the County of San Luis Obispo, State of California, in which Grantor(s) hold(s) a fee simple estate, lying above, in whole or in part, the horizontal limits of the civil airport imaginary surfaces described in Federal Aviation Regulations, Part 77.25 (14 CFR 77.25), as applicable to the *San Luis Obispo County Regional Airport*, situated in the County of San Luis Obispo, State of California, hereinafter referred to as "Airport", which parcel of real property is described as follows:

Lot 33, of TRACT 1535, in the unincorporated area of the County of San Luis Obispo, State of California, according to map recorded December 2, 1988, in Book 14, Page 91, of MAPS, in the office of the County Recorder of the County of San Luis Obispo, State of California.

Said real parcel of property described above is delineated by hatched lines on the map attached hereto as *Exhibit A* and incorporated by reference herein as though set forth in full.

(Continued following page)

STATE OF CALIFORNIA)
)SS
COUNTY OF SAN LUIS OBISPO)



(SEAL)

On this 4th day of August, in the year 2005, before me, Tessa Fields a Notary Public, personally appeared Carol Kerwin, Louis Cappine, Leah Pauly, Susan Rode, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Tessa Fields, Notary Public

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GRANT OF AVIGATION EASEMENT

(Page 2)

IT IS AGREED by Grantor(s) that he/they shall not hereafter erect, enlarge or grow, or permit the erection, enlargement or growth of, or permit or suffer to remain, any building, structure, or other object, or any tree, bush, shrub or other vegetation, within or into the airspace above said Imaginary Surfaces overlying said real property.

IT IS FURTHER AGREED by Grantor(s) that the easement and rights hereby granted to County are for the purpose of ensuring that occupants of the real property burdened by this easement are aware that the quiet enjoyment of this real property may be interrupted by noise generated by over-flying aircraft and by aircraft operations at the Airport, and for the additional purpose of ensuring that said Imaginary Surfaces shall remain free and clear of any building, structure or other object, and of any tree, bush shrub or other vegetation, which is or would constitute an obstruction or hazard to the flight of aircraft landing at and/or taking off from said Airport. These rights shall include, but not be limited to, the following:

1. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to cut off, trim, and/or prune those portions of any tree, bush, shrub and/or other vegetation extending, projecting or infringing into or upon the airspace above said Imaginary Surfaces.
2. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to remove, raze or destroy those portions of any building, structure or other object, infringing, extending or projecting into or upon said Imaginary Surfaces.
3. The right of County, at Grantor(s)' sole cost and expense, to mark and light, as obstructions to air navigation, any building, structure or other object, any tree, bush, shrub or other vegetation, that may at any time infringe, project or extend into or upon said Imaginary Surfaces.
4. The right of County for ingress to, egress from, and passage on or over said real property of Grantor(s) for above purposes. County shall exercise said right of ingress and egress only after County gives Grantor(s) twenty-four (24) hours notice of County's intent to enter Grantor(s)' property. County shall not be precluded from exercising its right of ingress and egress by the failure of Grantor(s) to receive notice if County has made a reasonable effort to notify Grantor(s). If, in the opinion of the Airport manager, an obstruction or hazard exists within or upon said Imaginary Surfaces overlying said real property, which creates an immediate danger to the flight of aircraft landing at and/or taking off from the Airport such that immediate action is necessary, County may exercise its right of ingress and egress for the above purposes without notice to Grantor(s).
5. The right of flight for the unobstructed passages of aircraft, for the use and benefit of the public, in the airspace above said Imaginary Surfaces, together with the right to cause in or about said airspace such noise, light, electromagnetic emissions, vibrations, fumes, dust, fuel particles, and all other effects as may be inherent in the navigation or flight of aircraft now or hereafter used or known, using said airspace for landing at, taking off from, or operating from, to, at, on, or over said Airport. Note: Noise from over flying aircraft and from aircraft operations on the airport may be considered significant to persons residing and/or working on this real property.
6. The continuing and perpetual right of the County to allow aircraft flight and ground operations at said Airport at all times.

IT IS FURTHER AGREED by Grantor(s) that he/they fully realize that any negative effects of aircraft operations at County Airports, as they pertain to this real property, are not expected to diminish from the level at the time of granting this easement.

(Continued following page)

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GRANT OF AVIGATION EASEMENT

(Page 3)

The easement granted herein and all rights appertaining thereto are granted unto the County, its successors and assigns, until said Airport shall be abandoned and ceased to be used for airport purposes.

If any item, covenant, condition or provision of this easement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall no way be affected, impaired or invalidated thereby.

IT IS UNDERSTOOD AND AGREED by Grantor(s) that this easement and the covenants and restrictions contained herein shall run with the land described above and shall be binding upon the heirs, successors and assigns of Grantor(s). For purposes of this instrument, the above-described real property shall be the servient tenement and the Airport shall be the dominant tenement.

Dated: 8-4-05

GRANTOR(S):

San Luis Obispo Golf and Country Club, Inc., a California Corporation

By: Louis J. Chapuis
Its: PRESIDENT

By: Carol M. Kewin
Its: SECRETARY

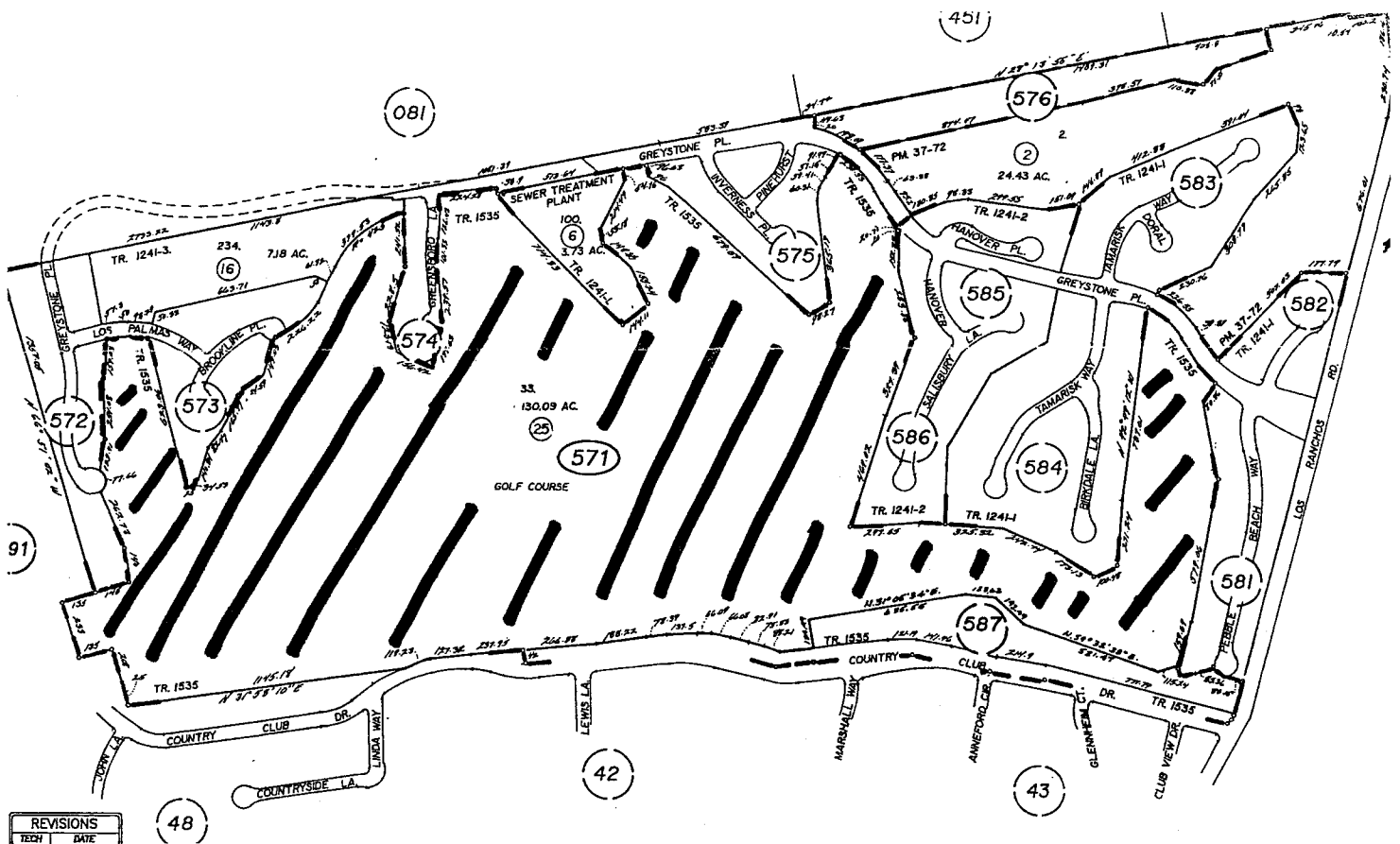
**TRUST DEED BENEFICIARIES
and/or MORTGAGEES**

Coast National Bank

By: [Signature]
Its: Leah Pauley, ZVP/CCO
By: Susan Rode
Its: Susan Rode, VP

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MAP



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